IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1404 of 2004

Between:

Mrs.Shaik Hussain Bibee, W/o Rahmathulla,
4th Lane, Teachers Colony, Vedayuapalem, Nellore -4.

..... PETITIONER

AND

1 The Union of India rep.by its Secretary, Ministry of Law, Shastri Bhavan, R.P.Road,
New Delhi.
2 Bank of India, Achary Street, Nellore,
rep.by Authorised Officer.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and striking down Section 13,15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and set aside the notice dated 29-12-2003 issued by the 2nd respondent.

Counsel for the Petitioner:MR.R.CHANDRA REDDY

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for respondent No.2: Mr S.Surya Prakasa Rao

The Court made the following ORDER:

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(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

July 9, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 The Secretary, Union of India, Ministry of Law, Shastri Bhavan, R.P.Road, New Delhi.
2 Authorised Officer, Bank of India, Achary Street, Nellore,
3 2 CD copies.